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Special Civil Application No 2442 of 95

Date of decision: 11/12/95

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

- 1. Whether Reporters of Local Papers may be allowed to see the judgements?
- 2. To be referred to the Reporter or not?
- 3. Whether Their Lordships wish to see the fair copy of the judgement?
- 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,

  1950 of any Order made thereunder?
  - 5. Whether it is to be circulated to the Civil Judge?

DHARMENDRASINH K GOHIL

VS

STATE OF GUJART

Appearence: MR RJ OZA for Petitioner MR DA BAMBHANIA for RespondentA or Petitioner MR DA BAMBHANIA for RespondentA for Petitioner MR DA BAMBHANIA for RespondentA for

Coram : MR.JUSTICE C.K.THAKKER

## ORAL JUDGEMENT

Rule. Mr.Bambhania appears and waives service of rule on behalf of the respondents. In the facts and circumstances of the case, this matter is taken up to day for final hearing.

This petition is filed against the action by which adverse remarks were made in the service records of the petitioner for the period between April 1 1991 and February 15, 1992. It appears that the petitioner preferred an appeal before the Collector, Bhavnagar District, Bhavnagar, respondent no.2 herein. The respondent no.2 by his order dt. February 3, 1994 rejected the appeal on the ground that as per the the remarks made by the officer who had written confidential report, adverse entries were justified. He on his part did not consider the appeal filed by the petitioner and has dismisseby the petitioner and has

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by the appellate authority,

the petitioner preferred appeal before the State Government but the State Government has disposed of the same on the ground that nothing at their end was required to be done. The petitioner being aggrieved by the said order has approached this court.

Various contentions were raised by the learned counsel for the petitioner. In my opinion, it is not necessary to deal with all the contentions. In view of the fact that the appellate authority, namely, the respondent has not considered all the grounds on which the petitioner felt himself aggrieved by the order passed by the officer who had put the adverse remarks against the petitioner, it is directed that the second respondent will hear the petitioner and pass appropriate order in accordance with law after recording reasons.

The petition is accordingly disposed of by making rule made absoluteon is accordingly disposed of by making rule made absoluteon is accordingly disposed of by making rule made absoluteon is accordingly disposed of by making rule made absoluteon is a cordingly disposed of by making rule made absoluteon is a cordingly disposed of by making rule made absoluteon is accordingly disposed o

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ent with no order as to costs. I may clarify that the
action of not promoting the petitioner was sought to be justified by
placing reliance on the affidavit filed by the Chitnish to Collector,
Bhavnagar, but I am not expressing any opinion on that aspect. The
petition is accordingly disposed of. The respondent no.2 will decide
the appeal afresh after hearing the petitioner as expeditiously as
possible preferably within eight weeks from the date of the receipt of
the writ of this court. DS.

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